

Julius Allen Munn,	)	C/A No. 8:17-cv-2191-DCC
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	ORDER
South Carolina Department of Corrections,	)	
Christopher Lagasse, Elaine Delaney,	)	
	)	
Defendants.	)	

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The

Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation that the Partial Motion to Dismiss be granted in part and denied in part. Accordingly, the Court adopts the Report by reference in this Order with respect to its discussion of the Partial Motion to Dismiss. Defendant’s Motion is granted with respect to Plaintiff’s gross negligence/recklessness cause of action and Plaintiff’s intentional infliction of emotional distress claim. Defendant’s Motion is denied with respect to Plaintiff’s claim pursuant to the Americans with Disabilities Act and Plaintiff’s § 1983 claim.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

June 13, 2018  
Spartanburg, South Carolina